Attorney's Dock t No.: 05398.P007X

## **DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I her by declare that:

- 12th 1

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## APPARATUS AND METHOD FOR REDUCING OSCILLATIONS IN AN OPTICAL SYSTEM

the specification of whi	ch			
	is attached hereto. was filed on (MM/DD/YY United States Application or PCT International Application and was amended on (M	n Number Dlication Number	le)	_·
I hereby state that I have specification, including	ve reviewed and understar the claim(s), as amended	nd the contents of the above-ider by any amendment referred to a	ntified bove.	
		known to me to be material to p Section 1.56. (Appendix A)	atentabili	ty as
any foreign application	<ul><li>(s) for patent or inventor's cation for patent or invent</li></ul>	35, United States Code, Section certificates listed below and have or's certificates having a filing da	e also ide	ntified
Prior Foreign Application	on(s)		Priori <u>Claim</u>	
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
I hereby claim the bene provisional application(	efit under Title 35, United S s) listed below:	States Code, Section 119(e) of ar	ny United	States
60/298,288 Application Number	June 14, (Filing Date –	2001 MM/DD/YYYY)		
Application Number	(Filing Date –	MM/DD/YYYY)		

**PATENT** 

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number (Filing Date – MM/DD/YYYY) Status – patented, pending, abandoned  Application Number (Filing Date – MM/DD/YYYY) Status – patented, pending, abandoned  I hereby appoint Bradley J. Bereznak, Reg. No. 33,474, and James R. Thein, Reg. No. 31,710, a my respective patent attorney(s) and patent agent(s), with full power of substitution and revocatic to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.  Send correspondence to Bradley J. Bereznak (Name of Attorney or Agent)  800 West El Camino Real, Suite 180, Wountain View, California 94040 and direct telephone calls to Bradley J. Bereznak (S50) 903-2264.  (Name of Attorney or Agent)  I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so mare punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the Unit States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.  Full Name of Sole/First Inventor Mansur B. Kiadeh  Inventor's Signature Date USA (Country)  Post Office Address 22286 Hartman Drive Cupertino, CA (City, State)  Full Name of Second/Joint Inventor Date Date Inventor's Signature Date Inventor's Signature Date Inventor Inventor's Signature Date Inventor Inventor's Signature Date Inventor's Signature Date Inventor's Signature Date Inventor Inventor's Signature Date Inventor's Signature Date Inventor's Signature Date Inventor Inventor Inventor's Signature Inventor Inventor Inventor Inventor Inventor Inventor In	Application Number (Filing Date – MM/DD/YYYY) Status – patented, pending, abandoned ereby appoint Bradley J. Bereznak, Reg. No. 33,474, and James R. Thein, Reg. No. 31,710, as a respective patent attorney(s) and patent agent(s), with full power of substitution and revocation, prosecute this application and to transact all business in the Patent and Trademark Office nnected herewith.  Indication and to transact all business in the Patent and Trademark Office nnected herewith.  Indication and to transact all business in the Patent and Trademark Office nnected herewith.  Indication and to transact all business in the Patent and Trademark Office nnected herewith.  Indication and the Indication and the Indication and direct telephone and the Indication and belief are believed to be true; and further that these attements ware made with the knowledge that willful false statements and the like so made apunishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United ates Code and that such willful false statements may jeopardize the validity of the plication or any patent issued thereon.  Ill Name of Sole/First Inventor Mansur B. Kiadeh Ventor's Signature Mansur B. Citizenship USA (Country)  Interest Address 22286 Hartman Drive Cupertino, CA 95014		06/13/2002	pending
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Cupertino, CA 95014  Full Name of Second/Joint Inventor	Cupertino, CA 95014	Full Name of Sole/First In	yentor Mansur B.	Kiadeh  □ Date
Full Name of Second/Joint Inventor		Full Name of Sole/First In Inventor's Signature  Residence Cupertir (C	yentor Mansur B.  Mo, CA  Sity, State)	Kiadeh  Date リルフ/も  Citizenship USA (Country)
	Il Name of Second/Joint Inventor	Full Name of Sole/First In Inventor's Signature	yentor Mansur B.  Mo, CA Sity, State)  2286 Hartman Drive	Kiadeh  Date リルフ/も  Citizenship USA (Country)
	Il Name of Second/Joint Inventor	Full Name of Sole/First In Inventor's Signature	yentor Mansur B.  Mo, CA Sity, State)  2286 Hartman Drive	Kiadeh  Date リルフ/も  Citizenship USA (Country)
Inventor's Signature Date		Full Name of Sole/First In Inventor's Signature	yentor Mansur B.  Oo, CA  City, State)  2286 Hartman Drive upertino, CA 95014	Kiadeh  Date 1/27/8年  Citizenship USA (Country)
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## **APPENDIX A**

Titl 37, Code of Fed ral Regulations, Section 1.56

<u>Duty to Disclos</u> Information Material t Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
   (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.